

Ryan teaches of a method for receiving ASCII text information (col 2 lns 1, 37, 55, etc.) from radio side bands on an FM carrier (col 1 lns 46-47; col 2 lns 22-31; etc.). In this device, if the data is encrypted, a conditional access circuitry decrypts the data only if a proper key or command has been provided (col 2 lns 32-34). This decrypted data is then stored in a RAM memory as ASCII text for subsequent use (col 2 lns 34-45). The data may be unencrypted prior to or after storage (col 2 lns 46-49). In any instance, the transmitted information is categorized in a "hierarchical database" (col 2 lns 63-65), which database categories are either accessed vocally (col 3 lns 1-9, 60-63) or by a switch having four positions (col 3 lns 21-25) or a switch having one position (col 3 lns 30-37). Once a user has selected from the series of menus, the ASCII text is sent to a speech synthesizer for conversion into analog signals (fig 1 item 32; col 1 lns 55-57; col 2 lns 53-59).

Although Ryan envisions that a user can preselect database items to construct a personal profile obviating the need to scan through all the menus every time (col 2 lns 9-13), there is no teaching in Ryan of the user being able to design his own hierarchical database with his own unique menu items. In Ryan, the user is thus believed to be limited to the manufacturer's preset hierarchy of menus into which the transmitted information is categorized, with the selection through the menus covered by simple movements such as vocal yes responses (col 3 ln 5), back, stop, and go responses (col 3 lns 17-20), a four position switch (col 3 ln 22), or a one position switch (col 3 ln 30). In addition to the above, the

speech synthesizer 30 is an ASCII text speech synthesizer, which mimics the human voice with the tonal qualities based on the hard wiring of the synthesizer (i.e., the pitch or frequency of the synthesization of a voice does not change with the input clock for the ASCII text).

Applicant believes that the presently pending claims differentiate over Ryan. However, applicant has ascertained that certain minor modifications to the existing independent claims will place them into condition for allowance without substantive effect on the coverage of the claims. Applicant has also modified certain claims to recite "deliver" instead of "transmit" to better match the wording of the specification and of the figures.

In respect to independent claims 1, 6, 10, 19, 25, 37, 39, 40, 48, and 56 these claims call for "said ... programs including at least some displayable information" (claim 1) or "said ... programs including some information other than ASCII text" (claim 10; other listed claims similar). This refers to the fact that in the applicant's invention, a program can be something other than text including entertainment programs such as movies of live television, informational programs, and other information such as video (pg 8 lns 2-10).

In contrast, in Ryan, only ASCII text is transmitted (col 2 lns 1, 36-37, 55, etc.). This is also necessary for the operation of the Burkely Speech Technologies Speech Synthesizer and Limited Memory used in Ryan. Due to the above, it is believed that the above recited claims differentiate over Ryan.

In respect to independent claim 14, this claim recites that the known set of priorities for automatically overriding previously stored materials are a "said known set of priorities including a priority other than the currency of the materials".

This recitation refers to the fact that in the applicant's invention, the data manager can be programmed to start losing or discarding known previously stored information according to a known set of priorities (pg 11 lns 12-16), which priorities include a particularly desirable program, one particular program network, certain types of programs, etc. (pg 11 ln 22-pg 12 ln 20). Ryan does not do this. It is thus believed that claim 14 distinguishes over Ryan.

In respect to independent claim 21, this claim recites that the accessible program has "frequency related information" and also a "means to alter the frequency of the frequency related information".

In contrast, Ryan utilizes ASCII text. There is no frequency related information in Ryan. It is noted that the speech synthesizer in Ryan can receive ASCII information faster than a normal speaking speed (col 3 lns 52-53). However, it is believed this only refers to the time that a particular ASCII sentence is produced. The pitch of the audio being produced by the speech synthesizer does not differ from that which would be produced over a longer or shorter time. This is due to the inherent functioning of a speech synthesizer. Based on the above, it is believed that claim 21 differentiates over Ryan.

In respect to independent claim 28, this claim recites that there is "means to at the same time as said reproduction to record programs including the remainder of a given program and/or another program in the storage area".

It is believed that the most that can be said about Ryan is that it stores "current news" in its RAM (col 3 lns 42-43). There is no teaching in Ryan of recording programs at the same time as reproduction, let alone the remainder of a given program or another program as set forth in claim 28. It is therefore believed that claim 28 differentiates over the cited Ryan reference.

In respect to independent claim 29, this claim recites that there is a separate artifact producing circuit after a decompression circuit with "means to selectively bypass the artifact modifier circuit when the artifact producing circuit is inactive".

In contrast, Ryan does not have such artifact modifier circuit after a decompression circuit. Instead, the selective scanning cited by the examiner is well before any decompression occurrence. Applicant therefore believes that claim 29 distinguishes over Ryan.

In respect to independent claim 33, this claim recites that the transmitted information includes "information relative to at least one upcoming program ... (and) said means ... to selectively control access (including) said at least one upcoming program".

There is no teaching in Ryan of the ability to preselect a certain upcoming program in advance. Ryan relates to the access of transmitted information stored in RAM (col 1

ln 64; col 2 ln 44; col 4 ln 6; etc.). It is therefore believed that claim 33 distinguishes over Ryan.

In respect to independent claim 39, this claim recites a "means to delay the programs to allow processing of the [transmitted] program identification data". This recitation refers to the ability of the user to selected wanted ones of current or upcoming programs for storage (pg 14 lns 8-16). There is no teaching in Ryan of delaying anything transmitted in order to allow for processing thereof. It is instead believed that in all transmitted instances, Ryan operates in real time relative thereto. It is therefore believed that claim 39 distinguishes over Ryan.

In respect to independent claim 43, this claim recites that "said program data storage simultaneously recording other selected portions of the transmitted programs as said selected portion is being selectively retrieved by said user control".

Applicant was unable to find any such operation in Ryan. It is therefore believed that claim 43 distinguishes over Ryan.

Based on the above, applicant believes that all independent claims distinguish over Ryan and the other art of record.

Applicant notes that the July 7, 1998 office action did not identify all of the elements of the then pending claims on Ryan, but instead directed applicant to a particular figure of Ryan and/or identified only one particular element of a claim (of many elements) to one location in Ryan (in contrast with all elements). In the event that any rejection

is entered in the next office action specifically identifying the relevant teachings of the prior art in respect to every element, that the basis for the rejection can be comprehended by applicant (see MPEP 706.02(J)),

In order not to compromise the examiner's consideration of the additional reasons for the patentability of the dependent claims, applicant includes as Appendix A a short discussion on additional points of patentability of some of these dependent claims.

In that these remarks are believed to place the application into condition for allowance, favorable action is solicited.

Respectfully submitted,

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Appendix A

Dependent claims 7 and 26 include a means to delay the program to allow processing of the program identification data. These claims thus distinguish over the prior art additionally similarly to independent claim 39.

Dependent claim 15 includes recognition that the override means considers the available storage. There is no teaching in Ryan of this operation.

Claim 20 recites that the access is dependent purely upon the arrival of a certain time subsequent to storage. Ryan does not utilize a time alone to allow access to an area for storage.

In respect to claim 17, this claim writes that there are multiple users considered in respect to overriding. Ryan has one user.

Claim 22 recites that the run time is determined by a user's interruption of access to the programs. In contrast, in Ryan the user's manual control is necessary (col 3 lns 50-59).

Dependent claims 23, 46, and 54 recite that the run time is altered so that the accessible program terminates at the same time as it would have otherwise. Again, as set forth above, Ryan uses manual control.

In respect to claim 24, this claim builds upon claim 23 to recite that the alteration of run time is automatic.

In respect to claim 31, this claim recites that the artifact modifier circuit is a frequency converter. Ryan does not have such a frequency converter.

In respect to claim 36, this claim recites that other services are included in the access system. This includes telephone wires, fiber, and other terrestrial communications, remote video cameras, alarms, and other items (pg 14 ln 1). Ryan does not accomplish this.

In respect to claim 42, this claim recites that there are a number of sets of multiplicity programs that can be selectively stored. In contrast, Ryan stores a single set.

In respect to claims 44 and 53, these claim recite that the access system can record and play selected portions of the same program at the same time. As discussed in respect to claim 28, this is not taught in Ryan.

In respect to claim 45, this claim recites that the access system can record differing programs from the one being played. There is no teaching in Ryan of this operation.

Claims 47 and 55 recite the frequency shift means in a manner similar to independent claim 21.

In respect to claim 49, this claim recites that the data stream includes information of upcoming programs. This distinguishes similar to independent claim 33.

In respect to claim 52, this claim recites that the programs are substantially continually transmitted. There is no teaching in Ryan of this operation. Ryan indeed refers to the opposite in that it recites that in one hour the needed four megabytes of data to fully program the random access memory can be transmitted (col 4 lns 10-12).

In respect to a) claims 58, 64, 65, and 66; b) claim 59; and, c) claim 60, these claims recite specific priorities

or considerations for the discarding of previously recorded programs, which operations are not taught by Ryan.

In respect to claims 61 and 62, these claims detail the selection algorithm, and algorithm which is not present in Ryan.

Based on the above, applicant believes that the dependent claims are also allowable on their own individual merits.